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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,823	12/21/2000	Philippe Lachaud	Q62379	6580
23373	7590	09/09/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/740,823	Applicant(s) LACHAUD ET AL.	
	Examiner Niketa I. Patel	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "*at least partially independent*" in claims 1 and 7 is a relative term, which renders the claim indefinite. The term " *at least partially independent* " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-6 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharon et al. U.S. Patent Number: 6,205,122 B1 (hereinafter "*Sharon*".)

6. **Referring to claim 1**, *Sharon* teaches system for changing a communication means used for communication between two software agents [see *Sharon* column 6, lines 39-41, 'agents'], the system comprising: a communication server [see *Sharon* column 6, lines 39-41, CME], and each of said software agents comprises: a communication module giving access to said communication means [see *Sharon* column 6, lines 39-41], and means for receiving a new communication module from said communication server [see *Sharon* column 10, lines 25-35, set of code (new module) received in order to change the function of an exiting module,] wherein each of said software agents comprises at least a piece of an object code of a distributed computing that is at least partially independent and wherein said software agents use the communication means to communicate with each other [see *Sharon* column 6, lines 39-41, 'agents',] although *Sharon* is silent regarding the definition of agent, the applicant prior art definition of agent is any piece of object code that is to some extent autonomous and independent [see *AAPA* page 1, lines 9-11.]

7. **Referring to claims 2**, *Sharon* teaches a system in which said software agents further comprise means for sending a request to said communication server to cause said new communication module to be transmitted [see *Sharon* column 10, lines 25-35 and column 9, lines 19-26.]

8. **Referring to claims 3**, *Sharon* teaches a system in which said communication server comprises means for receiving requests for loading communication means from a man machine

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interface, causing said new communication module to be transmitted [see *Sharon* column 9, lines 3-7 and column 10, lines 25-35.]

9. **Referring to claims 4**, *Sharon* teaches a system in which said communication server further comprises means for responding to internal rules to decide that said new communication module should be transmitted [see *Sharon* column 10, lines 1-35.]

10. **Referring to claims 5**, *Sharon* teaches a system in which said communication module is loaded dynamically by said software agents [see *Sharon* column 10, lines 1-35.]

11. **Referring to claims 6**, *Sharon* teaches a system in which said software agents and said communication modules communicate via a common programming interface [see *Sharon* column 10, lines 1-35.]

12. **Referring to claim 13**, *Sharon* teaches wherein each of said software agents further comprises means for switching from the communication module to the new communication module, and wherein the new communication module provides access to a different communication means, and wherein each of said software agents communicate with each other via the different communication means [see *Sharon* column 6, lines 39-45 and column 10, lines 25-35.]

13. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharon et al. U.S. Patent Number: 6,205,122 B1 (hereinafter "*Sharon*") and further in view of Simpson et al. U.S. Patent Number: 6,927,869 B1 (hereinafter "*Simpson*".)

14. **Referring to claim 7**, *Sharon* teaches a method of a server sending communication modules to said software agents [see *Sharon* column 10, lines 25-35, 'alter the function of one or

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more of the modules of agent according to the received command'], said communication modules being designed to give access to a different communication means [see *Sharon* column 10, lines 25-35, 'alter the function of one or more of the modules of agent according to the received command']; and said software agents using said communication modules to continue communicating with each others [see *Sharon* column 6, lines 39-41], wherein each of said software agents comprises at least a piece of an object code of a distributed computing that is at least partially independent [see *Sharon* column 6, lines 39-41, 'agents',] although *Sharon* is silent regarding the definition of agent, the applicant prior art definition of agent is any piece of object code that is to some extent autonomous and independent [see *AAPA* page 1, lines 9-11.]

Sharon fails to teach a method of correcting a breakdown in a communication means used between two software agents, the method comprising: said software agents sending messages to a communication server informing it of said breakdown. *Simpson* teaches the above limitation [see *Simpson* column 3, lines 63-67 and column 4, lines 1-3] in order to recover from a failure in a computer network by information a server of a failure and receiving appropriate data to correct the failure in order to reassume normal network operations.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the method of *Sharon* to be able to recover from a failure in a computer network by information a server of a failure and receiving appropriate data to correct the failure in order to reassume normal network operations. It is for this reason that one of ordinary skill in the art at the time of applicant's invention would have been motivated to include a method of correcting a breakdown in a communication means used between two software agents to get this advantage.

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15. **Referring to claim 8**, teachings of *Sharon* as modified above teaches wherein said different communication means is a different type of communication means [see *Sharon* column 10, lines 25-35.]

16. **Referring to claim 9**, teachings of *Sharon* as modified above does not set forth the limitation of wherein said different type of communication means is a broadcast type of communication means.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to set data to all the nodes on the network at a give time by using broadcast type of communication. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include broadcast type of communication to get this advantage.

17. **Referring to claim 10**, teachings of *Sharon* as modified above does not teaches wherein said different type of communication means is a point to point type of communication means.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of providing uninterrupted connection between one piece of equipment and another. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a point to point type of communication means to get this advantage.

18. **Referring to claim 11**, teachings of *Sharon* as modified above teaches wherein said software agents are software program objects in a distributed computing, each of said agents further comprises a common programming interface, and wherein said communication module translates between the common interface and another programming interface specific to said

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different communication means [see *Sharon* column 6, lines 20-32, 39-45 and column 10, lines 25-35.]

19. **Referring to claim 12**, teachings of *Sharon* as modified above teaches wherein each of said software agents use said new communication module to access new communication means to communicate with each other [see *Sharon* column 6, lines 39-45 and column 10, lines 25-35.]

20. **Referring to claim 14**, teachings of *Sharon* as modified above teaches wherein the software agents communicate directly with each other and are at a location remote from the communication server, and wherein the server is contacted to obtain the new communication module for direct communication between the software agents [see *Sharon* column 6, lines 39-45 and column 10, lines 25-35.]

Response to Arguments

21. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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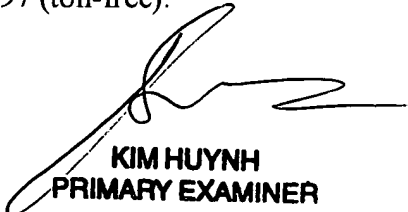
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
08/23/2005


KIM HUYNH
PRIMARY EXAMINER

8/24/05